

PR#9833

STRONG, J.D.

4/9/2009

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, et al.,  
Plaintiff,

vs. CASE NO. 05-CV-00329-GKF SAJ

TYSON FOODS, INC., et al.,  
Defendants.

VIDEOTAPED DEPOSITION OF J.D. STRONG  
TAKEN ON BEHALF OF THE DEFENDANTS  
ON APRIL 9, 2009, BEGINNING AT 8:40 A.M.  
IN OKLAHOMA CITY, OKLAHOMA

APPEARANCES:

On behalf of the PLAINTIFF:

Mr. J. Trevor Hammons  
Mr. Dan Lennington  
OKLAHOMA ATTORNEY GENERAL'S OFFICE  
313 Northeast 21st  
Oklahoma City, Oklahoma 73105  
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On behalf of the DEFENDANT-TYSON FOODS, TYSON CHICKEN,  
TYSON POULTRY AND COBB-VANTRESS, INC.:

Mr. Robert George  
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(479) 973-4200  
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On behalf of the DEFENDANT-PETERSON FARMS, INC.:

Ms. Nicole Longwell  
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REPORTED BY: Laura L. Robertson, CSR, RPR

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(APPEARANCES CONTINUED)

On behalf of the DEFENDANT-GEORGE'S, INC. AND GEORGE'S  
FARMS, INC.:

Ms. K.C. Dupps Tucker

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On behalf of the DEFENDANT-CARGILL, INC. AND CARGILL  
TURKEY PRODUCTION:

Mr. John Tucker

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ALSO PRESENT: Stephen Carns, Videographer

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1 THE VIDEOGRAPHER: This is the deposition of  
2 J.D. Strong, taken on behalf of the defendants in the  
3 matter of the State of Oklahoma versus Tyson Foods.  
4 It is filed in the U.S. District Court for the  
5 Northern District of Oklahoma, Case Number  
6 is 05-CV-00329-GKF-SAJ, being held 313 Northeast 21st,  
7 in Oklahoma City, Oklahoma on the 9th of April, 2009.

8 On record at 8:42 a.m. Counsel please state  
9 your appearance for the record.

10 MR. LENNINGTON: Dan Lennington for the  
11 State of Oklahoma.

12 MR. HAMMONS: Trevor Hammons for the State  
13 of Oklahoma.

14 MR. GEORGE: Robert George for the Tyson  
15 defendants.

16 MR. TUCKER: John Tucker for the Cargill  
17 defendants.

18 MS. TUCKER: K.C. Tucker for the George's  
19 defendants.

20 MS. LONGWELL: Nichole Longwell on behalf of  
21 Peterson Farms.

22 WHEREUPON,

23 J.D. STRONG,  
24 after having been first duly sworn, deposes and says  
25 in reply to the questions propounded as follows,

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1 Q. Is it your understanding that the document  
2 we read earlier effectively substitutes you for  
3 Mr. Tolbert with respect to this complaint?

4 A. I assume that that does. That's a legal  
5 question, so --

6 Q. Let me ask you to turn to page 31. Could  
7 you read the first sentence in paragraph 133 under the  
8 Oklahoma Administrative Code and Oklahoma Statute,  
9 section 10-9.7?

10 A. Read what again, I'm sorry?

11 Q. The first sentence of paragraph 133?

12 A. "The poultry integrator defendants wrongful  
13 poultry waste disposal practices by and through those  
14 practices that occurred in Oklahoma have caused, among  
15 other things, the runoff of poultry waste into the  
16 waters in the Illinois River Watershed within  
17 Oklahoma, contamination of the waters of the Illinois  
18 River Watershed within Oklahoma, and the creation of  
19 an environmental or public health hazard within  
20 Oklahoma."

21 Q. Can you identify for me, Mr. Strong, if any  
22 farm under contract with my client, Tyson Foods, that  
23 has engaged in a practice that results in the runoff  
24 of poultry waste into the waters in the IRW within  
25 Oklahoma as alleged in paragraph 133?

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1           A.    I cannot identify specific operations.

2           Q.    Who could do that?

3           A.    Again, I suppose possibly Department of  
4   Agriculture with oversight of these operations and/or  
5   our experts that have done extensive investigation.

6           Q.    Have any of your experts told you that they  
7   can identify specific farms where runoff of poultry  
8   waste into the waters of the state of Oklahoma has  
9   occurred?

10          A.    I don't believe any have identified that to  
11   me, no.

12          Q.    Has anyone at the Oklahoma Department of Ag  
13   ever told you, Mr. Strong, that they can identify for  
14   you farms where runoff of poultry waste into the  
15   waters of the state within the IRW has occurred?

16          A.    I don't recall anyone from Department of  
17   Agriculture identifying a particular operation.

18          Q.    Did you review this complaint when you  
19   assumed the office of Secretary of the Environment and  
20   was substituted as a party in this litigation?

21          A.    I have read so many documents, I'm not sure  
22   if I read that this specific one.

23          Q.    You don't know if you read this complaint or  
24   not?

25          A.    I'm not sure if I have read this exact one

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1 or not.

2 Q. As we sit here today, Mr. Strong, you as the  
3 Secretary of the Environment for the state of  
4 Oklahoma, who is a party to this case, cannot identify  
5 for me any instance in which a contract grower who has  
6 a contract with my client, Tyson Foods, has engaged in  
7 conduct that results in the runoff of poultry waste  
8 into the waters in the IRW as alleged in paragraph  
9 133, can you?

10 MR. LENNINGTON: Objection to form.

11 Q. (BY MR. GEORGE) Go ahead.

12 A. I cannot identify a specific operation.

13 Q. If I ask that same question for the other  
14 defendants that you have sued in this lawsuit, you  
15 wouldn't be able to answer it either, would you?

16 MR. LENNINGTON: Object to the form.

17 THE WITNESS: I would not be able to  
18 identify a specific operation for any of the others.

19 Q. (BY MR. GEORGE) Do you see the second  
20 sentence of this paragraph says that there have been  
21 violations of animal waste management plan criteria  
22 set forth in the Registered Poultry Feeding Operations  
23 Act. Do you see that?

24 A. Yes.

25 Q. What is the basis for those allegations?